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15
16 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,

19 Plaintiff,

20 v.

21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

22 Defendants.

Case No. 3:17-cv-00939-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
THEIR MOTION *IN LIMINE* NO. 25
AND WAYMO'S OPPOSITION
THERE TO**

Judge: The Honorable William Alsup
Trial Date: October 10, 2017

Pursuant to N.D. Cal. Civil Local Rules 7-11 and 79-5, Defendants Uber Technologies, Inc. and Ottomotto LLC (collectively, “Uber”) submit this administrative motion for an order to file under seal portions of the briefing and certain exhibits to Defendants’ Motion *in Limine* No. 25 and Waymo’s Brief in Opposition to Defendants’ Motion *in Limine* No. 25. Specifically, Uber requests an order granting leave to file under seal the confidential portions of the following:

Document	Portions to Be Filed Under Seal	Designating Party
DEFENDANTS’ OPENING MIL MATERIALS		
Defendants’ Motion <i>in Limine</i> No. 25 (“MIL 25”)	Highlighted Portions	Plaintiff
Exhibit 11	Entire Document	Plaintiff
Exhibit 17	Highlighted Portions	Plaintiff
Exhibit 18	Highlighted Portions	Plaintiff
Exhibit 19	Entire Document	Plaintiff
Exhibit 20	Entire Document	Plaintiff
Exhibit 21	Entire Document	Defendants
Exhibit 27	Highlighted Portions	Defendants
WAYMO’S OPPOSITION MATERIALS		
Plaintiff Waymo LLC’s Response to Defendants’ Motion In Limine No. 25 to Exclude Reference to the 14,000 Downloaded Files Or, In The Alternative, For A Rule 104 Hearing And/Or Rule 105 Instruction (“Waymo’s Opposition to Defendants’ MIL 25”)	Highlighted Portions	Plaintiff
Exhibit 3 to the Declaration of Jeff Nardinelli (“Nardinelli Decl.”)	Highlighted Portions	Plaintiffs (green) Defendants (blue)

DEFENDANTS’ MIL MATERIALS

The blue highlighted portions of Exhibit 27 and the entirety of Exhibit 21 contain confidential or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle business strategy. This information is not publicly known, and its confidentiality is strictly maintained. Disclosure of this information could allow competitors to obtain a competitive advantage over Uber by giving them details into Uber’s internal development of LiDAR and business plans for autonomous ridesharing, which would allow competitors to understand Uber’s LiDAR development and autonomous vehicle business strategy, and allow them to tailor their own strategy. If such information were made public, Uber’s competitive standing could be significantly harmed. (*See*

1 Goodman Decl. ISO Uber’s Administrative Motion to File Documents Under Seal (“Goodman
2 Decl.”) ¶ 3.)

3 The green highlighted portions of MIL 25 and of Exhibits 17, 18, and 20, and the entirety
4 of Exhibits 11 and 19, contain information that Waymo designated or considers “Confidential”
5 and/or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order in this
6 case, or that Waymo asked Uber to file under seal. (*See* Goodman Decl. ¶ 4.)

7 WAYMO’S OPPOSITION MATERIALS

8 The blue highlighted portions of Exhibit 3 to the Nardinelli Declaration contain confidential
9 or highly confidential information regarding Uber’s LiDAR development and autonomous vehicle
10 business strategy. This information is not publicly known, and its confidentiality is strictly
11 maintained. Disclosure of this information could allow competitors to obtain a competitive advantage
12 over Uber by giving them details into Uber’s internal development of LiDAR and business plans for
13 autonomous ridesharing, which would allow competitors to understand Uber’s LiDAR development
14 and autonomous vehicle business strategy, and allow them to tailor their own strategy. If such
15 information were made public, Uber’s competitive standing could be significantly harmed. (*See*
16 Goodman Decl. ISO Uber’s Administrative Motion to File Documents Under Seal (“Goodman
17 Decl.”) ¶ 5.)

18 The green highlighted portions of Waymo’s Opposition to Defendants’ MIL 25 and of
19 Exhibit 3 to the Nardinelli Declaration contain information that Waymo designated or considers
20 “Confidential” and/or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective
21 Order in this case, or that Waymo asked Uber to file under seal. (*See* Goodman Decl. ¶ 6.)

22 Pursuant to Civil Local Rule 79-5(d)(2), Uber will lodge with the Clerk the documents at
23 issue, with accompanying chamber copies.

24 Defendants served Waymo LLC with this Administrative Motion to File Documents
25 Under Seal on September 13, 2017.

26 For the foregoing reasons, Defendants request that the Court enter the accompanying
27 Proposed Order granting Defendants’ Administrative Motion to File Documents Under Seal and
28

1 designate the service copies of these documents as “HIGHLY CONFIDENTIAL –
2 ATTORNEYS’ EYES ONLY.”

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4 Dated: September 13, 2017

BOIES SCHILLER FLEXNER LLP

5 By: /s/ /Karen L. Dunn

6 Karen L. Dunn

7 *Counsel for Defendants*
8 UBER TECHNOLOGIES, INC. AND
9 OTTOMOTTO LLC
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